

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04cv127-MU

MINOR MCNEIL,

Petitioner,

vs.

BOB CONRAD, U.S. Attorney representing)
Stephen P. Warner, Operation Manager,)
Collections Department of the Treasury,)
Internal Revenue Service Fresno)
Compliance Services, Mail Stop 81403)
Fresno, California 93888-0037,)

Respondent/Garnishor.)

ORDER

This matter is before the court upon Defendant's Motion to Dismiss pursuant to Rules 12(b)(6), 12(b)(1), and 12(b)(5). On April 22, 2005, the court entered an Order warning the Plaintiff to respond to Defendant's motion within fourteen days or the court would proceed to decide the matter. The Plaintiff has failed to respond or to obtain an extension of time within which to respond to Defendant's motion.

After reviewing the pleadings and Defendant's motion and brief, it appears tom the court that Plaintiff's Complaint should be dismissed with prejudice.

IT IS THEREFORE ORDERED that Defendant's motion is hereby GRANTED, and Plaintiff's Compliant is hereby DISMISSED WITH PREJUDICE.

Signed: May 9, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

